

Restriction Requirement

The Office Action asserts that the compounds of Claim 21 fall outside of the elected species of Group I. Although the ring structure in Claim 21 includes an azabicyclic ring system, it also includes a diazaspino ring system, and arguably falls within the definition of Group I. However, to facilitate allowance, Applicants have cancelled Claim 21 and dependent claims thereof without prejudice, for pursuit in a related divisional application.

Claim 43 was indicated as being withdrawn from consideration. Claim 43 is directed to a pharmaceutical composition including a compound of Claim 41 (not withdrawn Claim 42), and Claim 41 is part of the elected group. It is therefore believed that the withdrawal of Claim 43 was made in error. Applicants respectfully request that Claim 43 be considered on the merits along with the other claims in the same elected group.

Rejections under 35 U.S.C. § 112, First Paragraph

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as non-enabled. The Office Action stated that the rejection could be overcome by deleting reference to the various heterocyclic and substituted heterocyclic groups. Applicants have amended the claims as suggested by the Examiner to delete reference to these groups.

Conclusion

The Office Action stated that Claims 1, 4, 6, 7, 11 and 41 were found to be free of the prior art, and would be allowable if the claims were amended to delete claims in the non-elected group, and to overcome the 35 U.S.C. § 112, first paragraph issues. Applicants have cancelled

claims to the non-elected subject matter, and amended the claims to overcome the 35 U.S.C. § 112, first paragraph issues.

As discussed above, Claim 43 should also still be pending. Claim 43 refers to a pharmaceutical composition that includes a compound of Claim 41, which claim is believed to be in condition for allowance. Accordingly, Claim 43 is also believed to be in condition for allowance.

It is believed that Claims 1, 4, 6, 7, 11, 41 and 43 as amended are in condition for allowance. The Examiner is encouraged to contact Applicants' undersigned representative if she has any questions regarding the above.

Respectfully submitted,



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